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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/982,787

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Tsuyoshi Namiki

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08/08/2006

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

PATEL, NIRAV B

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,787

Applicant(s)

NAMIKI ET AL.

Examiner

Nirav Patel

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 26, 2006 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/14/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's submission for RCE filed on May 26, 2006 has been entered.
2. Claims 8-10 and 18-20 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al (US Patent No. 6,320,829).

As per claim 8, Matsumoto teaches:

a reproducing limit information detecting device for detecting the first reproducing limit information [Fig. 3, col. 3 lines 55-60]; a reproducing limit information extracting device for extracting the second reproducing limit information from the recording information [Fig. 3, col. 3 lines 60-64]; a confirming device for confirming whether the first reproducing limit information matches the second reproducing limit information; and an output control device for, supplying the recording information based on the first

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reproducing limit information only when the confirming device confirm that the first reproducing limit information matches the second reproducing limit information [col. 3 lines 64-67, col. 4 lines 1-6, 54-61, Table → col. 11,12].

As per claim 18, is a method claim corresponds to apparatus claim 8 and is rejected for the same reason set forth in the rejection of claim 8 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (US Patent No. 6,320,829) in view of Park (US Patent No. 6,028,932) and in view of Nagai et al (US Patent No. 6,938,162).

As per claim 9, the rejection of claim 8 is incorporated and Matsumoto teaches that encrypting the content using the identification information [col. 17 lines 32-35]. Matsumoto doesn't expressively mention a start information recording area.

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Park teaches:

said recording medium having a start information recording area, said start information recording area in which start information detected at starting the reproducing of the recording information is recorded [Fig. 2, 5, 6, 7, 11B], said start information on which key information is embedded, a key information detecting device for detecting the key information from the start information recording area [Fig. 11B, col. 3 lines 1-4, 7-9, col. 5 lines 49-52].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Park with Matsumoto, since one would have been motivated to prevent unauthorized copying of digital data [Park, col. 1 lines 9-11].

Matsumoto teaches that encrypting the content using the identification information [col. 17 lines 32-35]. Matsumoto and Park don't expressively mention that key information for encrypting cryptographic information used for encrypting the recording information.

Nagai teaches:

key information for encrypting cryptographic information used for encrypting the recording information is embedded, said cryptographic information which is encrypted by using the key information and added to the recording information with which the first reproducing limit information is recorded [Fig. 1, 6B, 13, col. 4 lines 36-61], said key information which is generated by using identification information, said identification information particular to each recording medium and recorded in the recording medium [col. 4 lines 50-61];

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wherein said information reproducing apparatus further comprises: an encrypted cryptographic information detecting device for detecting the encrypted cryptographic information from the recording medium; an obtaining device for decoding the detected encrypted cryptographic information by using the detected key information and obtaining original cryptographic information; and a decoding device for decoding the extracted original recording information by using the obtained original cryptographic information and supplying the decoded recording information to the output control device [Fig. 26, col. 41 lines 1-9, 21-44].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Nagai with Matsumoto and Park, since one would have been motivated to prevent unauthorized digital copying from being performed from an optical disk (recording medium) [Nagai, col. 1 lines 18-20].

As per claim 19, the rejection of claim 18 is incorporated and is a method claim corresponds to apparatus claim 9 and is rejected for the same reason set forth in the rejection of claim 9 above.

5. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (US Patent No. 6,320,829) and in view of Nagai et al (US Patent No. 6,938,162).

As per claim 10, the rejection of claim 8 is incorporated and Matsumoto teaches that encrypting the content using the identification information [col. 17 lines 32-35]. Matsumoto doesn't expressively mention that key information for encrypting cryptographic information used for encrypting the recording information.

Nagai teaches:

said recording medium in which content information indicating the content of the recording information is recorded [Fig. 25, 21], said content information on which key information for encrypting cryptographic information used for encrypting the recording information is embedded, said cryptographic information which is encrypted by using the key information and added to the recording information with which the first reproducing limit information is recorded [Fig. 1, 6B, 13, col. 4 lines 36-61, Fig. 26], said key information which is generated by using identification information, said identification information particular to each recording medium and recorded in the recording medium [col. 4 lines 50-61]; a key information detecting device for detecting the key information from the recording medium [Fig. 26]; wherein said information reproducing apparatus further comprises: an encrypted cryptographic information detecting device for detecting the encrypted cryptographic information from the recording medium; an obtaining device for decoding the detected encrypted cryptographic information by using the detected key information and obtaining original cryptographic information; and a decoding device for decoding the extracted original recording information by using the obtained original cryptographic information and supplying the decoded recording information to the output control device [Fig. 26, col. 41 lines 1-9, 21-44].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Nagai with Matsumoto, since one would have been motivated to prevent unauthorized digital copying from being performed from an optical disk (recording medium) [Nagai, col. 1 lines 18-20].

As per claim 20, the rejection of claim 18 is incorporated and is a method claim corresponds to apparatus claim 10 and is rejected for the same reason set forth in the rejection of claim 10 above.

Response to Amendment

6. Applicant has amended claims 8-10 and 18-20, which necessitated new ground of rejection. See rejection above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada (US Patent No. 7,046,607) --- Multimedia copy control system and method using digital data recording medium and optical disc reproducing apparatus.

Kuno et al (US Patent No. 6,584, 552) --- Recording/Reproducing apparatus, program recorded medium, recorded medium, cache device and transmitter.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NBP

8/3/06


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100